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**FACSIMILE TRANSMISSION**

**DATE:** December 1, 2006

**TO:** EXAMINER MATTHEW JOHN KASZTEJNA

**FACSIMILE NO.:** 571-273-8300

**FROM:** John G. Posa

**PAGES TRANSMITTED (INCLUDING COVER SHEET):** 5

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**RE:** SN 10/827,493

**MESSAGE:**

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PTO/SB/01 (08-06)

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>MMC-10902/29</b>
In re Application of John Temple		
Application Number <b>10/827,493-Conf. #3298</b>		Filed <b>April 19, 2004</b>
For <b>HEATER FOR SURGICAL VIEWING INSTRUMENTS</b>		
Art Unit <b>3739</b>		Examiner <b>M. J. Kaszlejna</b>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-1180. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

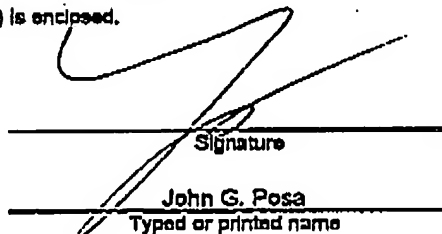
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 37,424

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
 \_\_\_\_\_  
 Signature  
**John G. Posa**  
 Typed or printed name  
 \_\_\_\_\_  
**(734) 913-9300**  
 Telephone number  
 \_\_\_\_\_  
**December 1, 2006**  
 Date

**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 12/1/06

Signature: Sheryl Hammer (Sheryl Hammer)